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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,424	05/12/2005	Ramachandra Shrikrishna Bhagwat	4062-130	2398
23117 7590 05/18/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER DIAZ, JOSE				
ART UNIT		PAPER NUMBER		
2879				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/511,424

**Applicant(s)**BHAGWAT, RAMACHANDRA  
SHRIKRISHNA**Examiner**

JOSE M. DIAZ

**Art Unit**

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

The Amendment, filed on March 16, 2009, has been entered and acknowledged by the Examiner.

Claims 1-12 are pending in the instant application.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4, 6-8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Endo (4622486)**.

Regarding **claim 1**, Endo clearly shows and discloses an incandescent lamp which comprises: a single ended capsule (10) having a press seal (pinch-seal portion 10a) (col. 3, line 5) thereof, one or more filaments (11) located inside the capsule (10) (col. 2, lines 18-19), current connection leads (61) extending from the press seal (10a); an adapter (52) with an elevated or stepped up portion having a slit through the elevated or stepped up portion thereof for receiving the press seal portion (10a) of the capsule (10); an adjustment collar (mounting base 56) having a flat surface and

downwardly extending sidewalls (60), the adapter (52) being weldably mounted on the adjustment collar (56), the adjustment collar (56) having an opening (58) for receiving at least a part of the press seal portion (10a) and current connection leads (61); and a socket (16) closed at one end with an insulated material (synthetic resin 68, col. 4, lines 18-19) in which electrical connection leads (61+62) are embedded, an open upper portion of the socket (16) receiving the adjustment collar (56) in a snug yet adjustable manner, one or more weld structures (42) for weldably connecting the socket (16) to the adjustment collar (56) and a pair of connection prongs (66) extending outwardly and downwardly from the insulating material (68) (figs. 1-2, col. 3, lines 38-43, and 47-50 and col. 4, line 14).

The new claim limitations, "wherein said adapter, collar and socket are adjusted in three orthogonal dimensions with respect to each other along and around each of three orthogonal axes to achieve an optimized focus, position of said filament before being welded together in a final permanent position", are directed to the method of focusing the position of the lamp's filament, the limitations directed to the method of manufacturing are not germane to the issue of patentability of the device.

Endo's mounting base (56) exemplifies sidewalls extending upwardly, instead of sidewalls extending downwardly as recited in the claim. However, It is considered within the capabilities of a person of ordinary skills in the art to modify the upwardly configuration of Endo into a downwardly configuration as an obvious matter of design engineering, since both configurations are considered structural equivalents.

Regarding **claim 2**, Endo clearly shows and discloses the claimed invention, in addition, Endo clearly disclose that the press seal (10a) has two flat surfaces with at least a locking projection (15) extending outwardly from each flat surface (fig. 7, col. 5, lines 20-22).

However, Endo fails to exemplify in the corresponding, that the elevated portion of the adapter having locking flaps extending downwardly into the slit thereof so that when the capsule is pushed into the adapter, the locking projections lock with the locking flaps so that the capsule is held by the adapter without play.

Meanwhile, in another embodiment Endo exemplifies the adapter means (supporting portion 52) with locking flaps (anchoring pieces 54) (fig. 3, col. 3, lines 13-19). Endo teaches structural equivalent structures; therefor one skilled in the art would have been motivated to combine equivalent elements of one embodiment within the structure of another embodiment.

Regarding **claim 4**, Endo clearly shows and discloses that the weld structure (42) comprises inner vertical walls of the socket (16), the vertical walls being weld connected to the adjustable collar (56) (fig. 1, col. 3, lines 47-50).

Regarding **claim 6**, Endo clearly shows and discloses that the adapter (52) has a flat surface (53) below the elevated portion and the adjustable collar (56) has a flat surface surrounding the opening (58), the adapter (52) and the adjustable collar (56) being weld connected to each other by of their respective flat surfaces (fig. 2, col. 3, lines 38-39).

Regarding **claim 7**, Endo clearly shows and discloses an incandescent lamp which comprises: capsule means for providing a single ended capsule (10) having at least one filament (11) located inside the capsule (10) (col. 2, lines 18-19) and current connection leads (61) extending from a press seal (pinch-seal portion 10a) (col. 3, line 5); adapter means for providing an adapter (52) with having a slit (58) therethrough for receiving the press seal portion (10a) of the capsule (10); adjustment collar means for providing an adjustment collar (56) having a flat surface with an opening therein and sidewalls (60), the adapter means being weldably mounted on the flat surface of the adjustment collar (56) with at least a part of the press seal portion (10a) and current connection leads (61) extending through the opening; and socket means for providing a socket (16) closed at one end with an insulated material (synthetic resin 68, col. 4, lines 18-19) in which electrical connection leads (61+62) are embedded, an open upper portion of the socket (16) receiving the adjustment collar (56) in a snug yet adjustable manner along and around a reference axis and a weld structure (42) for weldably connecting the socket (16) to the adjustment collar (56) (figs. 1-2, col. 3, lines 38-43, and 47-50 and col. 4, line 14).

The claimed limitations “wherein said adapter means, adjustment collar means and socket means include relatively adjustable interfaces therebetween which permit relative movement of an inserted capsule along and around each of three mutually orthogonal axes prior to being welded together in permanently fixed relative positions” are directed to the method of focusing the position of the capsule, the limitations

directed to the method of manufacturing are not germane to the issue of patentability of the device.

Endo's mounting base (56) exemplifies a depression or stepped down portion, instead of an elevated or stepped up portion as recited in the claim. However, It is considered within the capabilities of a person of ordinary skills in the art to modify the upwardly configuration of Endo into a downwardly configuration as an obvious matter of design engineering, since both configurations are considered structural equivalents.

Regarding **claim 8**, Endo clearly shows and discloses the claimed invention, in addition, Endo clearly disclose that the press seal (10a) has two flat surfaces with at least a locking projection (15) extending outwardly from each flat surface (fig. 7, col. 5, lines 20-22).

However, Endo fails to exemplify in the corresponding, that the elevated portion of the adapter having locking flaps extending downwardly into the slit thereof so that when the capsule is pushed into the adapter, the locking projections lock with the locking flaps so that the capsule is held by the adapter without play.

Meanwhile, in another embodiment Endo exemplifies the adapter means (supporting portion 52) with locking flaps (anchoring pieces 54) (fig. 3, col. 3, lines 13-19). Endo teaches structural equivalent structures; therefor one skilled in the art would have been motivated to combine equivalent elements of one embodiment within the structure of another embodiment.

Regarding **claim 10**, Endo clearly shows and discloses that the weld structure (42) comprise inner vertical walls of the socket means (16), the vertical walls being weld connected to the adjustable collar means (56) (fig. 1, col. 3, lines 47-50).

Regarding **claim 12**, Endo clearly shows and discloses that the adapter means (52) has a flat surface (53) below the elevated portion and the adjustable collar means (56) has a flat surface surrounding the opening (58), the adapter means (52) and the adjustable collar means (56) being weld connected to each other by of their respective flat surfaces (fig. 2, col. 3, lines 38-39).

Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Endo (4622486)**, in view of **Okano (4864183)**.

Regarding **claim 3**, Endo clearly shows and discloses the claimed invention.

However, Endo fails to disclose that the weld structures comprise a plurality of upwardly projecting lugs, the lugs being welded to the adjustable collar after the adjustable collar is positioned inside the socket at a position of optimum focus.

In the same field of endeavor, Okano clearly shows and discloses weld structures comprising a plurality of upwardly projecting lugs (32), the lugs (32) being welded to the adjustable collar after the adjustable collar is positioned inside the socket at a position of optimum focus (figs. 1-2, col. 6, 29-31), in order to securely engage the bulb base.



Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a plurality of upwardly projecting lugs as taught by Okano in the device of Endo, in order to securely engage the bulb base.

Regarding **claim 9**, Endo clearly shows and discloses the claimed invention.

However, Endo fails to disclose that the weld structures comprise a plurality of upwardly projecting lugs, the lugs being welded to the adjustable collar after the adjustable collar is positioned inside the socket at a position of optimum focus.

In the same field of endeavor, Okano clearly shows and discloses a weld structures comprise a plurality of upwardly projecting lugs (32), the lugs (32) being welded to the adjustable collar after the adjustable collar is positioned inside the socket at a position of optimum focus (figs. 1-2, col. 6, 29-31), in order to securely engage the bulb base.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a plurality of upwardly projecting lugs as taught by Okano in the device of Endo, in order to securely engage the bulb base.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over, **Endo (4622486)**, and **Okano (4864183)**, in further view of **Devir et al. (5041955)**.

Regarding **claim 5**, Endo clearly shows and discloses the claimed invention.

However, Endo fails to exemplify that the weld structure comprise outer vertical walls of the socket, the vertical walls being weld connected to the adjustable collar.

However, it is considered within the capabilities of a person of ordinary skills in the art to modify the weld structure configuration of Endo into a outer vertical walls configuration as an obvious matter of design engineering, since both configurations are considered structural equivalents, as evidenced by Devir on figures 4 and 5 where the collar (28) is located either inner or outer vertical walls of the socket.

Regarding **claim 11**, Endo clearly shows and discloses the claimed invention.

However, Endo fails to exemplify that the weld structure comprise outer vertical walls of the socket means, the vertical walls being weld connected to the adjustable collar means.

However, it is considered within the capabilities of a person of ordinary skills in the art to modify the weld structure configuration of Endo into a outer vertical walls configuration as an obvious matter of design engineering, since both configurations are considered structural equivalents, as evidenced by Devir on figures 4 and 5 where the collar means (28) is located either inner or outer vertical walls of the socket means.

### ***Response to Arguments***

Applicant's arguments filed March 16, 2009, have been fully considered but they are not persuasive. Examiner most respectfully disagrees with Applicant's arguments. With regards to claims 1 and 7, Applicant basically argues that the limitation "wherein said adapter, collar and socket are adjusted in three orthogonal dimensions with respect to each other along and around each of three orthogonal axes to achieve an optimized focus, position of said filament before being welded together in a final permanent

position” have patentable weight and distinguish the claimed invention over the prior art based on the “wherein” clause in light of the Court decision in *Hoffer v. Microsoft*, 405 F.3d 1326, 1329 (Fed Cir. 2005). The Court decision in *Hoffer v. Microsoft*, 405 F.3d 1326, 1329 (Fed Cir. 2005) clause “Whereby” or “wherein” was directed to a **method claim**; claims 1 and 7 are **product-by-process claims** that recites a method of focusing the position of the lamp's filament, as stated in the previous Office action. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production, see MPEP 2113 [R-1]. In view of these facts independent claims 1 and 7 stands rejected as been obvious over Endo by it self.

Applicant's arguments with respect to claims 3 and 9 have been fully considered and are persuasive.

With regards to claims 3 and 9 Examiner has corrected the rejection of claims 3 and 9 to be rejected as being obvious over Endo in view of Okano, and clams 1-2, 4, 6-8, 10 and 12 are rejected as to be obvious over Endo alone.

Applicant's arguments with respect to claims 7 and 10-12 been rejected under 35 U.S.C. 112, second paragraph have been fully considered and are persuasive. The rejection of claims 7 and 10-12 under 35 U.S.C. 112, second paragraph has been withdrawn.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE M. DIAZ whose telephone number is (571)272-9822. The examiner can normally be reached on 7:00 - 5:00 EST Monday-Thursday; Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/José M. Díaz/  
Examiner, Art Unit 2879

/Sikha Roy/  
Primary Examiner, Art Unit 2879